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United States of America  
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8 IN THE UNITED STATES DISTRICT COURT  
9  
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

CASE NO. 1:22-CR-00162-NODJ-BAM

11 Plaintiff,

12 STIPULATION AND ORDER TO CONTINUE  
13 STATUS CONFERENCE

MARCUS ASAY,

14 Defendant.  
15

16 **BACKGROUND**

17 This matter is currently scheduled for a status conference on March 27, 2024. Doc. 19. On  
18 March 11, 2024, the Court directed the parties to file a joint status report; or in the alternative, to file a  
19 stipulation to continue the status conference. *Id.* The parties have agreed that further time is necessary  
20 for defense investigation, review of discovery, trial preparation, and potential plea negotiations. As the  
21 parties have previously noted, preparation for trial and possible resolution of this matter by trial or plea  
22 depends on the outcome of *United States v. Agricultural Contracting Services Association et al.*, 1:19-  
23 cr-0003-DAD. The *Agricultural Contracting Services Ass'n* is pending trial. Defendant Marcus Asay is  
24 also a defendant in that case. Counsel for the parties in this case set the current status conference of  
25 March 27, 2024 because the then-existing trial date in *Agricultural Contracting Services Ass'n* was  
26 January 23, 2024. However, at the request of defense counsel and based on re-assignment of the case  
27 from then-District Judge de Alba to District Judge Drozd, the trial date in *Agricultural Contracting*  
28

1     *Services Ass'n* was continued to April 24, 2024, and trial is expected to last through approximately the  
2 end of June 2024. The parties have therefore agreed to stipulate to a continuance of the status  
3 conference in this case until August 14, 2024, when they anticipate the *Agricultural Contracting*  
4 *Services Ass'n* trial will be complete and the parties will be prepared to set a trial date in this matter.

**STIPULATION AND [PROPOSED] ORDER**

**IT IS HEREBY STIPULATED** by and between the parties hereto, and through their respective attorneys, that the status conference currently set for March 27, 2024 be continued to August 14, 2024. Time shall be excluded from March 27, 2024 to August 14, 2024 under the Speedy Trial Act for defense preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

Respectfully submitted,

**PHILLIP A. TALBERT**  
United States Attorney

DATED: March 18, 2024

By: /s/ Michael G. Tierney  
Michael G. Tierney  
Assistant United States Attorney

DATED: March 19, 2024

By: /s/ Anthony P. Capozzi  
Anthony P. Capozzi  
Attorney for Marcus Asay

## ORDER

**IT IS SO ORDERED** that the status conference is continued from March 27, 2024, to **August 14, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: March 20, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE